

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 16385 of 2006
Date of Decision : 23.10.2006

Arwinder Singh Petitioner
Versus
Chief Engineer and others. ... Respondents.

Coram : Hon'ble Mr. Justice J.S. Khehar,
Hon'ble Mr. Justice S.D. Anand.

Present : Ms. Pooja Chopra, Advocate,
for the petitioner.

Mr. B.S. Chahal, Assistant Advocate General, Punjab,
for respondent Nos.1 and 2.

Mr. S.K. Sharma, Advocate,
for respondent No.3

J.S. Khehar, J. (Oral)

A perusal of the pleadings of the instant writ petition reveal that there is a tug of war between petitioner and respondent No.3 for posting at Ablawal Sub Division (under BML Circle), Patiala. The petitioner was transferred to Ablawal Sub Division for the first time by an order dated 14.09.2004. The aforesaid order of transfer was, however, cancelled, within a span of about two weeks, on 29.09.2004. The petitioner was again transferred to Ablawal Sub Division on 01.10.2004 i.e. within a few days of the cancellation of his transfer. Yet again the order of transferring the petitioner to Ablawal Sub Division was cancelled on 9.11.2004. It seems that the petitioner again managed his transfer to Ablawal Sub Division i.e. for the third time, through an order dated 9.12.2004. Again this order of transfer of the petitioner was cancelled on 23.12.2004.

The petitioner impugned the cancellation of his transfer order dated 23.12.2004 by filing Civil Writ Petition No. 1701 of 2005. The

aforesaid writ petition was disposed of by a Division Bench of this Court, by requiring the respondents to take a final decision on the matter, after reconsidering the claim of the petitioner and respondent No.3. In the meantime, the Division Bench directed that the operation of the order dated 23.12.2004 would remain stayed. In obedience to the instructions issued by this Court in Civil Writ Petition No. 1701 of 2005, the authorities found respondent No.3 as more suitable for being posted as Ablowal Sub Division. Accordingly, respondent No.3 was posted as such, by an order dated 25.08.2006. Although the order dated 25.08.2006 had been passed in furtherance of the directions issued by this Court in Civil Writ Petition No. 1701 of 2005, yet it seems that the petitioner maneuvered his transfer, to Ablowal Sub Division, through the Minister Incharge, who passed an order dated 6.10.2006 (Annexure R-3/X), cancelling the posting of respondent No.3 at Ablowal Sub Division. Yet again the transfer of the petitioner to Ablowal Sub Division has been cancelled by an order dated 14.09.2006. This order is again subject matter of challenge at the hands of the petitioner through the present writ petition.

It is unfortunate that the authorities had succumbed to the pressure exerted by the petitioner and respondent No.3 alternatively to accept their posting at Ablowal Sub Division. In the process, two writ petitions also came to be filed. Not only unnecessary time of the respondents came to be wasted, even precious judicial time of this Court was wasted, for a petty matter like the one in hand, wherein, both the rival parties are seeking their posting at Ablowal Sub Division.

In order to set the matter right, it is considered just and appropriate to direct the official respondents not to post either the petitioner or respondent No.3 in future to Ablawal Sub Division. Ordered accordingly.

In furtherance of our instant order, learned counsel for respondent Nos. 1 and 2 on instructions from Sh. Sandesh Kumar, Administrative Officer of the Irrigation Department, states that the petitioner shall be allowed to continue at his present place of his posting, namely, as Junior Assistant in the office of Executive Engineer, Devigarh Division, Patiala, and respondent No.3 shall be posted at office of SYL Sarala Division, Patiala. We also consider it just and appropriate, in the facts and circumstances of this case, to direct the respondents, that the posting of the petitioner and respondent No.3 as depicted herein above, shall not be varied for a period of at least three years, from today.

Disposed of accordingly.

A copy of this order be given to learned counsel for respondent Nos. 1 and 2 under the signatures of the Court Secretary attached to this Court.

(J.S. Khehar)
Judge

October 23, 2006
vkd

(S.D. Anand)
Judge